

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
CIVIL DIVISION**

KAREN CAREY
3002 Wyndurgh Drive
Columbus, OH 43219,

Plaintiff,

vs.

COLUMBUS BOARD OF EDUCATION
270 East State Street
Columbus, OH 43215,

and

COLUMBUS CITY SCHOOLS
c/o Dr. Angela Chapman
Superintendent of Columbus City Schools
270 East State Street
Columbus, OH 43215,

and

DR. SANDY D. WOMACK, JR.
Area Superintendent, Region 3
Columbus City Schools
270 East State Street
Columbus, OH 43215,

and

CHRISTY NICKERSON,
Principal, South High School
Columbus City Schools
270 East State Street
Columbus, OH 43215,

and

BAO LAM
Assistant Principal, South High School
Columbus City Schools

Case No.: **Previously Filed Case
No. 2:22-cv-03743**

PRESIDING JUDGE: MICHAEL WATSON

REFERRAL: CHELSEY M. VASCURA

**COMPLAINT (WITH JURY TRIAL
DEMAND)**

270 East Main Street
Columbus, OH 43215

Defendants.

NATURE OF THE ACTION

This is an action under Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.* (“**Title VII**”), and Title I of the Civil Rights Act of 1991, 42 U.S.C. § 1981a (“**Title I**”) (collectively “**Civil Rights Act**”), to correct unlawful employment practices on the basis of color, and to provide appropriate relief to Karen Carey (“**Plaintiff**” or “**Ms. Carey**”) who was adversely affected by such practices. Plaintiff contends that Defendant Columbus Board of Education, Defendant Columbus City Schools, Defendant Dr. Sandy D. Womack, Jr., Defendant Christy Nickerson, and Defendant Bao Lam (collectively, “**Defendants**”), violated the Civil Rights Act by subjecting Ms. Carey, a dark-complexioned, African American employee to a hostile and abusive work environment because of her color and race.

JURISDICTION AND VENUE

1. Jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§ 1331 and 1343.
2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Southern District of Ohio, Eastern Division.

PARTIES

3. Plaintiff is, and has been, at all times material, a resident of Franklin County, Ohio, and at all times relevant to this Complaint, was employed as Assistant Principal of South High School by Defendants Columbus Board of Education and Columbus City Schools.

1 4. Defendant Columbus Board of Education (“**Board**”) is a public employer, and at
2 all times relevant to this Complaint, maintained an administrative office at 270 E. State Street,
3 Franklin County, Columbus, Ohio.

4 5. Defendant Columbus City Schools (“**CCS**”) is a public employer, and at all times
5 relevant to this Complaint, maintained an administrative office at 270 E. State Street, Franklin
6 County, Columbus, Ohio.

7 6. The individual Defendants are sued in their individual capacities, their acts set
8 forth below having been done in the scope and course of their employment as state actors.

9 7. Defendant Dr. Angela Chapman, Superintendent of Schools (“**Dr. Chapman**”),
10 reports to the Board and has final policy-making authority for those policies implicated in the acts
11 and omissions of the Defendants set out herein. Dr. Chapman implicitly authorized, approved,
12 and acquiesced in the unlawful conduct of her subordinates set out herein.

13 8. Defendant Dr. Sandy D. Womack, Jr. (“**Dr. Womack**”) was, at all times material
14 herein, a duly appointed superintendent for Defendant CCS’s Region 3, who provides oversight,
15 professional development, implementation, and support of CCS’s vision, mission, and goals, and
16 communication between CCS’s Chief Transformation Officers and CCS’s principals. Dr.
17 Womack was responsible for interviewing and hiring principals and generating employee records,
18 including performance reviews and disciplinary actions. Dr. Womack reported to Dr. Chapman.

19 9. Defendant Christy Nickerson (“**Nickerson**”) was, at all times material herein, a
20 duly appointed and acting principal at South High School in CCS’s Region 3 under the oversight
21 of Dr. Womack. Nickerson reported to Dr. Womack.

1 administrators via text message, Ms. Carey sent Defendant Nickerson a text message indicating
2 that she was ill and would not be able to report to work. In retaliation, on November 3, 2022,
3 Defendants sent Ms. Carey a letter further isolating her from communications that other
4 administrators and Assistant Principals received from Defendant Nickerson by demanding that
5 Ms. Carey no longer communicate with Defendant Nickerson via text message. Letter from
6 Defendants is attached hereto as Exhibit B and fully incorporated herein. Upon information and
7 belief, Defendant Nickerson continued to communicate with all other administrators and
8 Assistant Principals via text message.
9

10 **STATEMENT OF CLAIMS**

11 **FIRST CLAIM: FIRST AMENDMENT RETALIATION**

12
13 14. Plaintiff re-alleges the preceding paragraphs of this Complaint as if fully rewritten
14 herein.

15 15. This claim is brought pursuant to 42 U.S.C. § 1983 to vindicate rights guaranteed
16 Plaintiff by the First and Fourteenth Amendments to the Constitution of the United States.

17 16. Plaintiff engaged in expression protected under the First Amendment and also
18 associated with others in such expression.

19 17. Defendants Nickerson and Dr. Womack aided and abetted by the other named
20 Defendants, retaliated against Plaintiff in taking actions against her set forth herein, and in
21 creating a hostile, abusive, and intimidating work environment, intended to chill her expression
22 and free speech associations.

23 18. Defendants' illegal and malicious actions have caused Plaintiff to lose income and
24 benefits, suffer loss of reputation and earning capacity, and experience humiliation, loss of self-
25 esteem, and emotional distress.
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SECOND CLAIM: DISCRIMINATION BASED ON COLOR AND RACE

19. Plaintiff re-alleges the preceding paragraphs of this Complaint as if fully rewritten herein.

20. This claim is brought pursuant to 42 U.S.C. § 1983 to vindicate rights guaranteed to Plaintiff under 42 U.S.C. § 1981.

21. Defendants Nickerson and Dr. Womack aided and abetted by the other named Defendants, retaliated against Plaintiff in taking actions against her set forth herein, and in creating a hostile, abusive, and intimidating work environment.

22. Starting in about September 2020, Defendants violated Section 703(a)(1) of Title VII, 42 U.S.C. § 2000e-2(a)(1), by subjecting Ms. Carey, a dark-complexioned, African American employee to repeated harassment, based on the color of her skin, by Defendants continued participation in such harassment, and by failing to take prompt remedial action intended to eliminate the harassment after it became aware of the illegal behavior and discriminatory conduct.

23. The effect of the practices complained of in paragraph 11 above has been to deprive Ms. Carey of equal employment opportunities and otherwise adversely affect her status as an employee because of her skin color.

24. Defendants' unlawful employment practices complained of in paragraph 11 above were intentional.

25. Defendants' unlawful employment practices complained of in paragraph 11 above were done with malice or with reckless indifference to Ms. Carey's federally protected rights as a dark-complexioned, African American employee.

1 26. Defendants' illegal and malicious actions have caused Plaintiff to lose income and
2 benefits, suffer loss of reputation and earning capacity, and experience humiliation, loss of self-
3 esteem, and emotional distress.

4
5 **THIRD CLAIM: RETALIATION**

6 27. Plaintiff re-alleges the preceding paragraphs of this Complaint as if fully rewritten
7 herein.

8 28. This claim is brought pursuant to 42 U.S.C. § 1983 to vindicate rights guaranteed
9 to Plaintiff under 42 U.S.C. § 1981.

10 29. Defendants Nickerson and Dr. Womack aided and abetted by the other named
11 Defendants, retaliated against Plaintiff in response to her raising complaints of discrimination and
12 causing a hostile, abusive, and intimidating work environment.

13 30. Defendants' illegal and malicious actions have caused Plaintiff to lose income and
14 benefits, suffer loss of reputation and earning capacity, and experience humiliation, loss of self-
15 esteem, and emotional distress.

16
17 **FOURTH CLAIM: DISCRIMINATION UNDER OHIO
18 REVISED CODE CHAPTER 4112**

19 31. Plaintiff re-alleges the preceding paragraphs of this Complaint as if fully rewritten
20 herein.

21 32. This claim is brought pursuant to R.C. 4112.99 to vindicate rights guarantee to
22 Plaintiff under R.C. 4112.02(A).

23 33. Defendants discriminated against Plaintiff on the basis of because of her skin color
24 and race, in violation of the law.
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1 34. Defendants' illegal and malicious actions have caused Plaintiff to lose income and
2 benefits, suffer loss of reputation and earning capacity, and experience humiliation, loss of self-
3 esteem, and emotional distress.

4
5 **FIFTH CLAIM: RETALIATION**

6 35. Plaintiff re-alleges the preceding paragraphs of this Complaint as if fully rewritten
7 herein.

8 36. This claim is brought pursuant to R.C. 4112.99 to vindicate the rights guaranteed
9 to Plaintiff under R.C. 4112.02(I).

10 37. Defendants have retaliated against Plaintiff because she asserted discrimination
11 claims and claims of hostile work environment.

12 38. Defendants' illegal and malicious actions have caused Plaintiff to lose income,
13 suffer loss of reputation and earning capacity, and experience humiliation, loss of self-esteem,
14 and emotional distress.

15
16 **PRAYER FOR RELIEF**

17 The preceding paragraphs are re-alleged and incorporated herein.

18 WHEREFORE, Plaintiff demands judgment against Defendants, jointly and severally, as
19 follows:
20

21 A. Grant a permanent injunction enjoining Defendants and all persons in active
22 concert or participation with them, from engaging in any employment practice which
23 discriminates against Plaintiff on the basis of color or in retaliation;

24 B. On all Claims, compensatory damages in such amounts as the Jury deems just;

25 C. On all Claims, punitive damages against the Defendants for their malicious and/or
26 reckless conduct described above, in amounts as the Jury deems just;
27

1 D. An Order requiring Defendant Board of Education to provide training to its
2 administrators and employees regarding color and race discrimination and harassment in the
3 workplace;

4 E. An Order requiring the Defendant Board of Education to redact the negative
5 information, disciplinary and other actions from Plaintiff's personnel files;
6

7 F. An award of attorney fees and costs of this action, pursuant to 42 U.S.C. § 1988
8 and the common law; and

9 G. Grant such other equitable relief as the Court deems necessary and proper in the
10 public interest.
11

12 Respectfully submitted,

13 /s/ Tonya McCreary Williams

14 Tonya McCreary Williams (0091533)

15 **McCreary Law, LLC**

16 1580 E. Main St., Columbus, OH 43205

17 614.636.6005 (office)

18 Contact@McCrearyLawColumbus.com

19 Trial Attorney for Plaintiff Karen Carey

20 **JURY TRIAL DEMAND**

21 Plaintiff requests a jury trial on all questions of fact raised by her Complaint.

22 /s/ Tonya McCreary Williams

23 Tonya McCreary Williams (0091533)

24 Trial Attorney for Plaintiff Karen Carey